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August 2005

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L STREET NW  
WASHINGTON, DC 20037-1526

SEP 01 2005

In re Application of:  
KUNIO MORIYAMA ET AL.  
Serial No.: 10/790,763  
Filed: 03 March 2004  
Docket: K2020.0005/P005  
Title: PARTICLE BEAM THERAPY SYSTEM

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: DECISION ON PETITION TO  
: MAKE SPECIAL UNDER  
: 37 C.F.R. § 1.102(d)  
:  
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This is a decision on the petition filed on July 18, 2005, to make the above-identified application special under the accelerated examination procedure set forth in MPEP § 708.02(X) in accordance with 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

In support of the petition, petition provides: a) the applicable petition fee; and b) a statement explaining how the invention contributes to the treatment of cancer.

For accelerated examination under MPEP § 708.02(X) in accordance with 37 C.F.R. § 1.102(d), a petition with the following showing is required: a) the applicable petition fee; and b) a statement explaining how the invention contributes to the treatment, prevention, or diagnosis of cancer.

The requirements of MPEP § 708.02(X) are considered to have been met. The application will be advanced out of turn for examination, and will continue to be treated as special throughout the entire prosecution in the Office according to the procedure set forth in MPEP § 708.02.


The application file is being forwarded to the examiner for expedited prosecution.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.



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